

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

* * * * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 07-CR-0116-S-01

TIMOTHY M. SWEETLAND,

Defendant.

Madison, Wisconsin
December 5, 2007
1:14 p.m.

* * * * *

TRANSCRIPT OF PLEA HEARING
HELD BEFORE THE HONORABLE JOHN C. SHABAZ

APPEARANCES:

For the Plaintiff: Office of the United States Attorney
BY: ROBERT ANDERSON
Assistant United States Attorney
P.O. Box 1585
Madison, WI 53701-1585

For the Defendant: Jones Law Firm
BY: WILLIAM R. JONES
P.O. Box 44188
Madison, WI 53744-4188

Also Present: Timothy M. Sweetland, Defendant
Rich Williams, U.S. Probation Officer

Court Recorder: Erica Clark
120 North Henry Street, Room 320
Madison, WI 53703

Transcription Service: S-B Transcription Service
141 Cedar Street
Brooklyn, WI 53521

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1 (Call to Order of the Court)

2 THE CLERK: Case No. 07-CR-116-S-01, United States of
3 America versus Timothy M. Sweetland, is called for a plea
4 hearing. May we have appearances, please?

5 MR. ANDERSON: The United States appears by Assistant
6 U.S. Attorney Robert Anderson.

7 MR. JONES: Mr. Sweetland is here in person and with
8 his attorney, William Jones.

9 THE COURT: The Court has before it a proposed plea
10 agreement between the defendant and the United States where the
11 defendant has agreed to plead guilty to Count 1 of the
12 indictment in this case which charges a violation of Title 21,
13 United States Code, Section 846, and carries a minimum mandatory
14 penalty of five years in prison to a maximum penalty of 40 years
15 in prison.

16 Is it the understanding of counsel that the defendant plans
17 to enter a plea of guilty pursuant to the plea agreement,
18 Mr. Jones?

19 MR. JONES: Yes, Your Honor.

20 THE COURT: And is that the understanding of the
21 government as well?

22 MR. ANDERSON: Yes, Your Honor.

23 THE COURT: Mr. Sweetland, is it your understanding
24 that you will be entering a plea of guilty to the one-count
25 indictment pursuant to the plea agreement?

1 DEFENDANT SWEETLAND: Yes, Your Honor.

2 THE COURT: If that's the case then, I wish you would
3 please rise so the oath may be administered to you.

4 TIMOTHY M. SWEETLAND, DEFENDANT, SWORN

5 THE COURT: The Court at this time will address the
6 defendant and advise him that he is now under oath and that if
7 he answers any of my questions falsely, his answers may later
8 be used against him in another prosecution for perjury or
9 making a false statement. Is that your understanding, sir?

10 DEFENDANT SWEETLAND: Yes, Your Honor.

11 THE COURT: What is your full name?

12 DEFENDANT SWEETLAND: Timothy Michael Sweetland.

13 THE COURT: And how old are you, sir?

14 DEFENDANT SWEETLAND: I'm 59 years old.

15 THE COURT: How far did you go in school?

16 DEFENDANT SWEETLAND: I went to the, two years at
17 Orange Coast College, junior college.

18 THE COURT: And have you been treated recently for
19 any mental illness or addiction to narcotic drugs of any kind?

20 DEFENDANT SWEETLAND: No, sir, I haven't.

21 THE COURT: Are you currently under the influence of
22 any drug, medication, or alcoholic beverage of any kind?

23 DEFENDANT SWEETLAND: No, sir.

24 THE COURT: Have you received a copy of the indictment
25 pending against you--that is, the written charges made against

1 you in this case--and have you fully discussed those charges,
2 and the case in general, with Mr. Jones as your attorney?

3 DEFENDANT SWEETLAND: Yes, Your Honor, I have.

4 THE COURT: And are you fully satisfied with the
5 counsel, representation and advice given to you in this case by
6 Mr. Jones as your attorney?

7 DEFENDANT SWEETLAND: Yes, Your Honor.

8 THE COURT: Did you have the opportunity to read and
9 discuss the proposed plea agreement with your attorney before
10 you signed it?

11 DEFENDANT SWEETLAND: Yes, I did.

12 THE COURT: And did you read and discuss the plea
13 agreement with your attorney before you signed it, and did you
14 sign the proposed plea agreement willingly and knowing what is
15 in it?

16 DEFENDANT SWEETLAND: Yes, Your Honor, I did.

17 THE COURT: Does the plea agreement represent the
18 entire understanding that you have with the government?

19 DEFENDANT SWEETLAND: Yes, Your Honor.

20 THE COURT: Do you understand the terms of the plea
21 agreement?

22 DEFENDANT SWEETLAND: Yes, Your Honor, I do.

23 THE COURT: Has anyone made any other or different
24 promise or assurance of any kind to you in an effort to persuade
25 you to plead guilty in this case?

1 DEFENDANT SWEETLAND: No, Your Honor, there hasn't.

2 THE COURT: The terms of the plea agreement are merely
3 recommendations to the Court which the Court can reject without
4 permitting you to withdraw your plea of guilty and could then
5 impose a sentence that is more severe than you may be expecting.
6 Is that your understanding?

7 DEFENDANT SWEETLAND: Yes, Your Honor.

8 THE COURT: You understand that if the Court chooses
9 not to follow the terms of the proposed plea agreement but not
10 all the terms being binding, you will be given the opportunity
11 to withdraw your plea of guilty. And if you choose not to
12 withdraw your plea, the Court may impose a more severe sentence
13 without being bound by the plea agreement. Is that your
14 understanding, sir?

15 DEFENDANT SWEETLAND: I understand that, Your Honor.

16 THE COURT: Has anyone made any promise or assurance
17 to you of any kind in an effort to persuade you to plead
18 guilty?

19 DEFENDANT SWEETLAND: No, Your Honor.

20 THE COURT: Has anyone attempted in any way to force
21 you to plead guilty in this case?

22 DEFENDANT SWEETLAND: No, Your Honor.

23 THE COURT: Are you pleading guilty of your own free
24 will because you are guilty?

25 DEFENDANT SWEETLAND: Yes, sir.

1 THE COURT: I want you to understand that the offense
2 to which you are pleading guilty is a felony offense and if your
3 plea is accepted you will then be adjudged guilty of that
4 offense, and such determination may deprive you of valuable
5 civil rights, such as the right to vote, the right to hold
6 public office, as well as the right to serve on a jury, and the
7 right to possess any kind of firearm.

8 Do you understand that you may be deprived of those
9 valuable civil rights?

10 DEFENDANT SWEETLAND: I understand that, Your Honor.

11 THE COURT: Looking then at the November 26, 2007
12 letter addressed to Mr. Jones by the Assistant United States
13 Attorney Robert A. Anderson, do you believe that this is the
14 proposed plea agreement between you and the United States in
15 this case?

16 DEFENDANT SWEETLAND: Yes, Your Honor.

17 THE COURT: Looking at paragraph 1. You've agreed to
18 plead guilty to Count 1 of the indictment in this case. This
19 count charges a violation of Title 21, United States Code,
20 Section 846 which carries a minimum mandatory penalty of 5 years
21 in prison to a maximum penalty of 40 years in prison, a
22 \$2 million fine, at least a 4-year period of supervised release,
23 and a \$100 special assessment. And in addition to these maximum
24 penalties, any violation of a supervised release term could lead
25 to an additional term of imprisonment pursuant to federal law.

1 You've agreed to pay the special assessment at or before
2 sentencing and you understand the Court will enter an order
3 pursuant to federal law requiring the immediate payment of that
4 special assessment. In an appropriate case, a defendant could
5 be held in contempt of court and receive an additional sentence
6 for failing to pay the special assessment as ordered by the
7 Court.

8 Is that your understanding and agreement as it relates to
9 those provisions in paragraph numbered one of the proposed plea
10 agreement?

11 (Discussion off the record between Mr. Jones and
12 Mr. Sweetland.)

13 DEFENDANT SWEETLAND: Yes, Your Honor.

14 THE COURT: Looking at paragraph 2. You acknowledge
15 by pleading guilty that you're giving up the following rights:
16 A, to plead not guilty and to persist in that plea; B, to a jury
17 trial; C, to be represented by counsel and, if necessary, have
18 the Court appoint counsel at trial and at every other stage of
19 the trial proceedings; D, to confront and cross-examine adverse
20 witnesses; E, to be protected from compelled self-incrimination;
21 F, to testify and present evidence; and G, to compel the
22 attendance of witnesses.

23 Is that your understanding and your agreement with those
24 provisions set forth in paragraph numbered two of your proposed
25 plea agreement?

1 DEFENDANT SWEETLAND: Yes, Your Honor.

2 THE COURT: Looking at paragraph 3. You understand
3 that there may be evidence in this case that could be subjected
4 to DNA testing and, B, you could petition the district court
5 under federal law for DNA testing of evidence after conviction
6 in this case. By your signature on this proposed plea
7 agreement, you have knowingly and voluntarily waived your right
8 to postconviction DNA testing of all evidence in this case.

9 And is that your understanding of those provisions in
10 paragraph numbered three?

11 DEFENDANT SWEETLAND: Yes, Your Honor.

12 THE COURT: Looking at paragraph 4. You've agreed to
13 make a full, complete and truthful statement concerning your
14 involvement in criminal conduct as well as the involvement of
15 all other individuals known to you. You've agreed to testify
16 fully and truthfully at any trials or hearings. You understand
17 that this plea agreement is not conditioned upon the outcome of
18 any trial. This agreement is, however, contingent upon complete
19 and truthful testimony in response to questions asked by the
20 Court, the prosecutor or lawyers for any party.

21 Is that your understanding and agreement of those
22 provisions in paragraph numbered four?

23 DEFENDANT SWEETLAND: Yes, Your Honor, it is.

24 THE COURT: Should you provide substantial assistance
25 before sentencing, the United States has agreed to move the

1 Court to impose a sentence reflecting that assistance. Should
2 you provide substantial assistance after sentencing, the United
3 States agrees to move the Court pursuant to Federal Rule of
4 Criminal Procedure 35 to reduce your sentence to reflect that
5 assistance. The decision whether to make such a request based
6 upon substantial assistance rests entirely within the discretion
7 of the United States Attorney's Office for the Western District
8 of Wisconsin. And you acknowledge that even if the United
9 States makes such a request, the Court is not required to reduce
10 your sentence.

11 Is that your understanding and your agreement with those
12 provisions --

13 DEFENDANT SWEETLAND: Yes, Your Honor.

14 THE COURT: -- in paragraph 5?

15 Paragraph 6. The United States further agrees that your
16 statements made pursuant to this plea agreement will not be
17 directly used against you. However, direct use of financial
18 disclosures made by you pursuant to the plea agreement is
19 permitted, and indirect use of all statements is permitted.
20 This indirect use includes pursuing leads based upon information
21 provided by you as well as the use of the statements themselves
22 for impeachment and rebuttal purposes should you at any point be
23 allowed to withdraw your guilty plea. These indirect uses are
24 permitted should you testify inconsistently with the substance
25 of these statements or otherwise present a position inconsistent

1 with them.

2 Is that your understanding and your agreement of those
3 provisions in paragraph numbered six, Mr. Sweetland?

4 DEFENDANT SWEETLAND: Yes, Your Honor.

5 THE COURT: Looking at paragraph 7. The parties agree
6 pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) that
7 the provisions of United States Sentencing Guideline Section
8 1B1.8 apply to this case and that information provided by you
9 under the terms of this proposed plea agreement will not be used
10 to determine your sentence except as otherwise indicated in
11 United States Sentencing Guideline Section 1B1.8(b).

12 Is that your understanding and agreement --

13 DEFENDANT SWEETLAND: Yes.

14 THE COURT: -- with those provisions --

15 DEFENDANT SWEETLAND: Yes, Your Honor.

16 THE COURT: -- in paragraph numbered seven?

17 DEFENDANT SWEETLAND: Sorry. Yes, Your Honor.

18 THE COURT: Paragraph 8. The United States agrees
19 that this guilty plea will completely resolve all possible
20 federal criminal violations that have occurred in the Western
21 District of Wisconsin provided that both of the following
22 conditions are met: A, the criminal conduct relates to the
23 conduct described in the indictment and, B, the criminal conduct
24 was known to the United States as of the date of this proposed
25 plea agreement. This agreement not to prosecute is limited to

1 those types of cases for which the United States Attorney's
2 Office for the Western District of Wisconsin has exclusive
3 decision-making authority. You also understand the United
4 States will make its full file available to the Probation Office
5 for its use in preparing the presentence report, and the United
6 States also agrees to move to dismiss the remaining counts of
7 the indictment at the time of sentencing.

8 Is that your understanding and agreement with those
9 provisions in paragraph numbered eight?

10 DEFENDANT SWEETLAND: Yes, Your Honor.

11 THE COURT: Paragraph 9. The United States agrees to
12 recommend that the Court in computing the advisory sentencing
13 guideline range, and in sentencing you, give you the maximum
14 available reduction for acceptance of responsibility, which
15 recommendation is based on facts currently known to the United
16 States and is contingent upon you accepting responsibility
17 according to the factors set forth in United States Sentencing
18 Guideline Section 3E1.1. The United States is free to withdraw
19 this recommendation should you have previously engaged in any
20 conduct which is unknown to the United States and is
21 inconsistent with acceptance of responsibility, or should you
22 engage in any conduct between the date of this plea agreement
23 and the sentencing hearing which is inconsistent with acceptance
24 of responsibility. And this recommendation is contingent upon
25 you signing this plea letter on or before November 28, 2007.

1 Is that your understanding and your agreement with those
2 provisions set forth in paragraph numbered nine of the proposed
3 plea agreement?

4 DEFENDANT SWEETLAND: Yes, Your Honor.

5 THE COURT: Looking at paragraph ten. You've agreed
6 to complete a financial statement and return it to the United
7 States Attorney's Office within one week of your guilty plea
8 hearing. You also agree that the Probation Office may disclose
9 to the United States the net worth and cash flow statements to
10 be completed by you in connection with the preparation of the
11 presentence report together with all supporting documents.

12 Is that your understanding and agreement with those
13 provisions in paragraph numbered ten?

14 DEFENDANT SWEETLAND: Yes, Your Honor.

15 THE COURT: Paragraph 11. You understand that
16 sentencing discussions are not part of the plea agreement. You
17 should not rely upon the possibility of a particular sentence
18 based upon any sentencing discussions between defense counsel
19 and the United States.

20 Is that your understanding and agreement with those
21 provisions in paragraph No. 11?

22 DEFENDANT SWEETLAND: Yes, Your Honor.

23 THE COURT: Your understanding of this agreement
24 conforms with that of the United States Attorney's Office and
25 you have signed this document knowingly and voluntarily as

1 suggested in the document, and by your signature you acknowledge
2 your understanding that the United States has made no promises
3 or guarantees regarding the sentence which will be imposed and
4 you also acknowledge your understanding that the Court is not
5 required to accept any recommendations which may be made by the
6 United States and that the Court can impose any sentence up to
7 and including the maximum penalties set forth in paragraph
8 numbered 1 of this proposed plea agreement.

9 Is that your understanding and agreement with those
10 provisions in paragraph numbered 12?

11 DEFENDANT SWEETLAND: Yes, Your Honor.

12 THE COURT: Looking at paragraph 13. All plea
13 agreements must be approved by the United States Attorney or his
14 designee. This plea proposal may or may not have been approved.
15 Mr. Anderson?

16 MR. ANDERSON: It was approved, Your Honor.

17 THE COURT: And consequently the Court will also
18 address the proposed plea agreement and determine whether or not
19 it will provide final acceptance as conditioned upon supervisory
20 approval. Do you have any questions or need any additional
21 information at this time?

22 DEFENDANT SWEETLAND: No, Your Honor, I don't.

23 THE COURT: And do you understand those provisions in
24 paragraph numbered 13?

25 DEFENDANT SWEETLAND: Yes, Your Honor, I do.

1 THE COURT: Referring then once again to the proposed
2 plea agreement and the sentencing dialogue that you and I will
3 participate in. The Court wants you to understand, as it's
4 stated in the proposed plea agreement, that if you do violate
5 any conditions of supervised release, you can be given
6 additional time in prison. Is that your understanding?

7 DEFENDANT SWEETLAND: Yes, Your Honor.

8 THE COURT: Do you understand the possible
9 consequences of your plea?

10 DEFENDANT SWEETLAND: Yes, Your Honor, I do.

11 THE COURT: Under the Sentencing Reform Act of 1984,
12 the United States Sentencing Commission has issued advisory
13 guidelines for judges to follow in determining the sentence in
14 a criminal case. Have you and your attorney, Mr. Jones, talked
15 about how the sentencing guidelines might apply to your case?

16 DEFENDANT SWEETLAND: Yes, Your Honor, we have.

17 THE COURT: Do you understand that the Court will not
18 be able to determine the guideline sentence for your case until
19 after the presentence report has been completed and both you
20 and the government have had an opportunity to challenge the
21 reported facts and the application of the guidelines
22 recommended by the probation officer, and that the sentence
23 imposed may be different from any estimate your attorney may
24 have given you.

25 Is that your understanding, sir?

1 DEFENDANT SWEETLAND: Yes, Your Honor, it is my
2 understanding.

3 THE COURT: Do you understand that after your
4 advisory guideline range has been determined this Court has the
5 authority in some circumstances to provide a variance from the
6 guidelines and impose a sentence that is either more severe or
7 less severe than the sentence called for by the guidelines? Is
8 that your understanding and agreement as well?

9 DEFENDANT SWEETLAND: Yes, Your Honor, it's my
10 understanding.

11 THE COURT: Parole has been abolished and if you are
12 sentenced to prison you will not be released on parole. Is that
13 your understanding, sir?

14 DEFENDANT SWEETLAND: Yes, Your Honor, it is.

15 THE COURT: Do you also understand that under some
16 circumstances you or the government may have the right to
17 appeal any sentence which I shall impose? Do you understand
18 that, sir?

19 DEFENDANT SWEETLAND: Yes, Your Honor, I do.

20 THE COURT: I want you to further understand that you
21 have a right to plead not guilty to any offense charged against
22 you and to persist in that plea. That you would then have the
23 right to a trial by jury, at which trial you would be presumed
24 to be innocent and the government would be required to prove
25 your guilt beyond a reasonable doubt. You would have the right

1 to the assistance of counsel for your defense, the right to see
2 and hear all the witnesses and have them cross-examined in your
3 defense, the right on your own part to decline to testify unless
4 you voluntarily elected to do so in your own defense, and the
5 right to the issuance of subpoenas or compulsory process to
6 compel the attendance of witnesses to testify in your defense.

7 Do you understand that you do have those rights?

8 DEFENDANT SWEETLAND: Yes, Your Honor, I do.

9 THE COURT: Do you further understand that should you
10 decide not to testify or put on any evidence, these facts cannot
11 be used against you? Do you understand that?

12 DEFENDANT SWEETLAND: Yes, Your Honor.

13 THE COURT: Do you further understand that by entering
14 a plea of guilty, if that plea is accepted by the Court there
15 will be no trial? You will then have waived or given up your
16 right to a trial as well as those other rights associated with a
17 trial that have been described to you.

18 Is that your understanding and agreement?

19 DEFENDANT SWEETLAND: Yes, Your Honor, it is.

20 THE COURT: At this time you will be informed of the
21 charges once again to which you will be pleading and that will
22 be read to you from the indictment, and the government will also
23 explain the essential elements of the offense--that is, what the
24 government would be required to prove at trial--and will also
25 give you the opportunity to explain and consent to those facts

1 constituting the crime charged. The Court will at this also
2 suggest that the United States will provide you that information
3 which the jury will receive from which you will be convicted of
4 this offense beyond a reasonable doubt. Mr. Anderson.

5 MR. ANDERSON: Thank you. At trial the government
6 would present the following testimony and evidence to establish
7 the elements of the offense in Count 1 which is a conspiracy to
8 distribute 50 grams or more of methamphetamine, the first
9 element being that a conspiracy and agreement to distribute
10 methamphetamine existed between the defendants, Timothy
11 Sweetland, Lauren Pitchell, and others, specifically in this
12 instance an unnamed coconspirator Michael Kitchen, sometime
13 during the span of the time specified in the indictment, which
14 is June 16, 2005, on or about, through December 8, 2005. And
15 the second element being that each defendant was a knowing and
16 willing member of that conspiracy and agreement.

17 The government would present testimony of Michael Kitchen.
18 He would testify that he lives in the Cadott area of Wisconsin
19 and would testify that he became acquainted with the defendant
20 Timothy Sweetland in June of about -- June of 2005 in the Cadott
21 area of Wisconsin and had discussions with Mr. Sweetland at that
22 time about methamphetamine.

23 Shortly after, Mr. Sweetland returned to California where
24 he lived at the time and he and Mr. Kitchen communicated and
25 worked out an agreement that Kitchen would send him money in

1 exchange for shipments of methamphetamine which were shipped to
2 Mr. Kitchen's Cadott residence. Shipments, Mr. Kitchen would
3 testify, began in approximately July of 2005 and continued until
4 the police had discovered Mr. Kitchen's activity in December of
5 2005, at which time they executed a search warrant at his
6 residence.

7 Mr. Kitchen would testify regarding and demonstrate
8 meticulous records which he kept of each shipment. Those
9 records would be offered in evidence which included Federal
10 Express and DHL shipment records and MoneyGram records.
11 Mr. Kitchen's testimony on the records would demonstrate that
12 Mr. Sweetland had sent Mr. Kitchen approximately 20 packages by
13 express carrier with at least 17 of those packages containing
14 some amounts of methamphetamine which ranged from 7 grams on the
15 smallest end up to as much as 28 grams on the larger end, all
16 beyond a reasonable doubt totaling more than 50 grams of
17 methamphetamine during the course of the conspiracy from July
18 until November of 2005, which was the last record of a shipment
19 that Mr. Sweetland himself made.

20 Mr. Kitchen would testify that in or about September 2005
21 when Kitchen placed a call to Mr. Sweetland for a shipment of
22 methamphetamine, that for some reason Mr. Sweetland did not have
23 any methamphetamine available and gave Mr. Kitchen the number of
24 Lauren Pitchell saying -- telling Mr. Kitchen she does my drop-
25 offs. You can call her directly. Kitchen would testify that he

1 did call Lauren Pitchell and made arrangements with her to
2 obtain methamphetamine shipments in exchange for money in the
3 same manner he had been sending money to Mr. Sweetland and
4 receiving packages.

5 Lauren Pitchell would testify that she was acquainted with
6 Timothy Sweetland and in about August of 2005 Sweetland told her
7 that he had a friend in Wisconsin that he was sending packages
8 of methamphetamine to and asked her to help him obtain
9 methamphetamine and send packages. Sweetland gave Pitchell
10 Michael Kitchen's telephone number in Wisconsin and had her call
11 Kitchen to confirm that packages had been sent or were on their
12 way. As Pitchell would describe it in her testimony, Kitchen
13 would call -- Kitchen would call Sweetland and send Sweetland
14 money. Sweetland would then call her and have her do some
15 legwork in getting methamphetamine and sending packages, for
16 which she would then receive some money in exchange.

17 Eventually, Pitchell through her direct contact with
18 Mr. Kitchen began receiving money directly from Kitchen and
19 sending him packages. She would also confirm that the
20 transactions in the conspiracy involved a total amount of
21 methamphetamine of well over 50 grams.

22 There would be further corroboration that the packages did
23 contain methamphetamine in the form of a package that police
24 intercepted on December 8 and its contents were sent to the
25 Wisconsin Crime Lab. Andrew Schleis, an analyst at the

1 Wisconsin State Crime Lab, would testify to his background and
2 experience in testing controlled substances. He would testify
3 that he tested the substances recovered from the December 8
4 package which was identified as having been sent from
5 Ms. Pitchell and that tested positive for the presence of
6 methamphetamine.

7 All this evidence would prove that there was conspiracy in
8 existence during the timeframe in the indictment in which
9 Ms. Pitchell, Mr. Sweetland, and Mr. Kitchen agreed and
10 conspired with one another to distribute methamphetamine, that
11 that conspiracy involved more than 50 grams of methamphetamine
12 taking place in the Western District of Wisconsin, that
13 involving Mr. Kitchen's residence in Cadott, Wisconsin, and that
14 each defendant was a knowing and willing member of that
15 conspiracy.

16 THE COURT: And are you asking the Court to take
17 judicial notice that the defendant --

18 MR. ANDERSON: That Cadott, Wisconsin is in the
19 Western District.

20 THE COURT: That Cadott is in the Western --

21 MR. ANDERSON: Yes, Your Honor.

22 THE COURT: -- District of Wisconsin. So ordered.

23 Mr. Sweetland, have you heard those statements offered by
24 the government's attorney?

25 DEFENDANT SWEETLAND: Yes, Your Honor, I have.

1 THE COURT: Are they true?

2 DEFENDANT SWEETLAND: Yes, Your Honor.

3 THE COURT: Do you agree with them?

4 DEFENDANT SWEETLAND: In part I do, yes.

5 THE COURT: And what part is it that you disagree?

6 DEFENDANT SWEETLAND: I never physically shipped,
7 shipped any of the packages of crystal meth but I did make
8 Lauren aware of the fact that Mike -- I would say Mike called
9 me, he needs to speak with you. I basically worked nothing more
10 than the financial liaisar [ph] -- financial liaison for the,
11 for the entire operation, but I did know that they were sending
12 drugs.

13 THE COURT: And from whom was she getting the drugs?

14 DEFENDANT SWEETLAND: That I couldn't tell you because
15 I, I wasn't a part of that. I was basically sending back
16 information on cars, loaning Mike money, and then he was sending
17 me money back for the cars that they did work on and for the
18 drugs. Then I would --

19 THE COURT: So you did receive money?

20 DEFENDANT SWEETLAND: Yes, sir, I did.

21 THE COURT: For the distribution of methamphetamine?

22 DEFENDANT SWEETLAND: Yes, sir, I did.

23 THE COURT: Anything you wish to have elaborated based
24 upon the defendant's statement, Counsel?

25 MR. ANDERSON: No.

1 THE COURT: Let me ask you this, Mr. Sweetland.

2 DEFENDANT SWEETLAND: Yes, sir.

3 THE COURT: From on or about June 16, '05 until
4 December 8 of '05 in the Western District of Wisconsin and
5 elsewhere, did you, Timothy M. Sweetland, and Lauren F. Pitchell
6 and Mr. Kitchen conspire and agree with each other, and with
7 others perhaps, to knowingly and intentionally distributing
8 methamphetamine, a Schedule II controlled substance?

9 DEFENDANT SWEETLAND: Yes, Your Honor.

10 THE COURT: And do you also understand and agree that
11 this conspiracy involved 50 grams or more of a mixture or
12 substance containing methamphetamine in violation of Title 21,
13 United States Code, Section 841(a)(1)? Is that your
14 understanding and agreement as well?

15 DEFENDANT SWEETLAND: As I said, I didn't have
16 anything to do with the shipping of those so I'm assuming that
17 there was that, that amount or more.

18 THE COURT: Do you believe that you had knowledge that
19 that was taking place?

20 DEFENDANT SWEETLAND: I knew that they were sending
21 drugs, yes.

22 THE COURT: All right.

23 DEFENDANT SWEETLAND: I didn't know the volumes.

24 THE COURT: So you did more than assuming. You did
25 know.

1 DEFENDANT SWEETLAND: Yes.

2 THE COURT: All right. And if indeed you were told
3 that this conspiracy did involve 50 grams or more of a mixture
4 or substance containing methamphetamine in violation of federal
5 law, would you disagree with that?

6 DEFENDANT SWEETLAND: I don't quite understand the
7 question, Your Honor.

8 THE COURT: Well, you said you didn't know how much
9 was involved. You have heard from the government that 50 grams
10 or more of a mixture of meth was involved. And I'm asking you,
11 now that you've been told that 50 grams of meth was involved do
12 you disagree with that?

13 DEFENDANT SWEETLAND: I have to say I -- I have to say
14 I agree with it. Like I said, I --

15 THE COURT: I can't understand your answer. It's a
16 very simple question.

17 DEFENDANT SWEETLAND: I have no doubt that the
18 government could prove that, Your Honor.

19 THE COURT: Thank you, sir. Anything that the
20 government believes should be further asked of the witness at
21 this time?

22 MR. ANDERSON: No, sir.

23 THE COURT: You do understand, sir, that you are a
24 part of this indictment which is in Count 1 and that from on or
25 about June 16, '05 to December 8, '05 you and the other

1 defendants conspired and agreed with each other, and with
2 others, to knowingly and intentionally distribute
3 methamphetamine, a Schedule II controlled substance, with this
4 conspiracy involving 50 grams or more of a mixture or substance
5 containing meth in violation of federal law.

6 Is that your understanding and agreement of those
7 provisions in Count 1 of the indictment, sir?

8 DEFENDANT SWEETLAND: Yes, Your Honor, it is.

9 THE COURT: I want you to understand that if you plead
10 guilty, a presentence report will be prepared. The Court will
11 then consider whether or not to accept the plea agreement. If
12 the Court decides to reject the plea agreement, you will then
13 have the opportunity to withdraw your plea and change it to not
14 guilty. Is that your understanding?

15 DEFENDANT SWEETLAND: Yes, Your Honor, it is.

16 THE COURT: How then do you now plead to the charge
17 in Count 1 of the indictment pending against you: guilty or
18 not guilty?

19 DEFENDANT SWEETLAND: Guilty, Your Honor.

20 THE COURT: It's the finding of the Court in the case
21 of United States of America against Timothy M. Sweetland that
22 the defendant is fully competent and capable of entering an
23 informed plea, that he is aware of the nature of the charges and
24 the consequences of the plea, and that the plea of guilty is a
25 knowing and voluntary plea supported by an independent basis in

1 fact containing each of the essential elements of the offense.
2 The plea is therefore accepted. Defendant is now adjudged
3 guilty of that offense in Count 1 as previously stated by the
4 Court.

5 At this time you are advised that a written presentence
6 report will be prepared. That presentence report is to be
7 prepared within the next 35 days, not later than January 9 of
8 '08. The parties do have 14 days thereafter, until
9 January 23rd of '08, to object to the provisions of the
10 presentence report, and the sentencing is scheduled for
11 February 13, '08 in this courtroom at 1:15 p.m. Is that
12 agreeable to the defense attorney?

13 MR. JONES: Yes, Your Honor. I'm sorry, I didn't
14 catch the time but I'm free all day. I know I can.

15 THE COURT: 1:15.

16 MR. JONES: 1:15. Yes, Your Honor, thank you.

17 MR. ANDERSON: That's fine, Your Honor.

18 THE COURT: All right, that then is affirmed.

19 I am telling you at this time, Mr. Sweetland, that the
20 presentence report is to be reviewed and discussed by you and
21 your attorney. The Court will have that written presentence
22 report prepared by the Probation Office to assist the judge in
23 sentencing, and it will be available for you on or about, as
24 I've previously stated, January 9th. And to be cumulative, if
25 you do have objections you should arrange to have those served

1 on opposing counsel not later than January 23rd.

2 DEFENDANT SWEETLAND: I understand, Your Honor.

3 THE COURT: All right?

4 DEFENDANT SWEETLAND: I understand. Thank you.

5 THE COURT: Uh-huh. The written presentence report
6 will be prepared by the Probation Office, as I said, to assist
7 the Court in sentencing and you will be asked to give
8 information for that report. Your attorney may be present
9 during those interviews if you wish.

10 The Court shall require that defendant and counsel read
11 the presentence report and file any objections to that report
12 which they believe are appropriate. Defendant and his attorney
13 shall have the opportunity to speak on defendant's behalf at
14 the sentencing hearing.

15 You will continue to be detained pending sentencing in
16 this matter under the same conditions that you presently find
17 yourself.

18 Is there anything further that either counsel believes
19 should be brought to the defendant's attention at this time?
20 Mr. Jones?

21 MR. JONES: No, Your Honor.

22 THE COURT: Mr. Anderson?

23 MR. ANDERSON: No, sir, Your Honor.

24 THE COURT: All right, the Court affirms those dates
25 as previously provided and we may stand adjourned.

1 MR. JONES: Thank you, Your Honor.

2 MR. ANDERSON: Thank you.

3 (Proceedings concluded at 1:55 p.m.)

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21 *I certify that the foregoing is a correct transcript from the*
22 *electronic sound recording of the proceedings in the above-*
entitled matter.

23

24 *Susan Barsness*
Certified Transcriptionist

2/27/08
Date

25